

REMARKS

In this office action the Examiner indicated that the application contained claims directed to the following patentably distinct species of the claimed invention:

Species I according to figures 1-5, 6, 9, 12 and 13.

Species II according to figures 1-5, 7, 9, 12 and 13.

Species III according to figures 1-5, 8, 9, 12 and 13.

Species IV according to figures 10, 11 and 12.

The Examiner stated, "Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims can be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of the allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP §809.02(a).


Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention."

Applicant has reviewed the Examiner's comments with respect to this restriction requirement and the several views of the drawings. Applicant elects to prosecute claims 1-13 and 17 directed to Species I according to figures 1-5, 6, 9, 12 and 13 of this application. Nevertheless, Applicant reserves the right to file a divisional application with respect to claims directed to Species II, III and IV at a later time. Applicant has listed all of the claims in this application and has indicated that the claims other than 1-13 and 17 are withdrawn from consideration at this time.

In the event the Examiner has further difficulties with the examination and/or allowance of the application, she is invited to contact the undersigned agent for applicant by telephone at (412) 380-0725, if necessary, to resolve any remaining questions

or issues by interview and/or Examiner's Amendment as to any matter.

Respectfully submitted,
James Ray and Associates

By 
Amos Bartoli
Registration No. 42,299
Agent for Applicant

JAMES RAY & ASSOCIATES
2640 Pitcairn Road
Monroeville, PA 15146
Tel. (412) 380-0725
Fax (412) 380-0748